

RECORD OF THE DISCUSSION OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference (hereinafter “Conference”) was held on Monday, May 14, 2007, at 12.45 p.m. in the 12th floor conference room in the New Castle County Courthouse. The quorum requirement was not met, and the Conference members that attended the meeting in person included:

Members of the Electronic News Media:

Chris Carl, WDEL

John Dearing, WBOC-TV

Members of the Print News Media:

Randall Chase, The Associated Press

Phil Milford, Bloomberg Business News

Rita Farrell, formerly of Reuters

Members from the Bench

Justice Jack Jacobs, Supreme Court

Judge Peggy Ableman Superior Court

Steve Taylor, of the Supreme Court, Dana Leigh Reynolds, Esq. and Andrea Shaffer, Esq., of the Family Court, and Geoffrey Gamble, Esq., of the Delaware State Bar Association, were also in attendance. Peg Brickley, of Dow Jones Newswires, participated via teleconference, and Chief Magistrate Alan Davis, of the Justice of the Peace Court, participated via videoconference. Rita Farrell presided over the meeting in Chief Judge Chandlee Johnson Kuhn’s absence.

The first agenda item was the approval of the draft minutes from the March 12, 2007 Conference meeting. Due to the lack of a quorum at the meeting, the draft minutes could not officially be approved. Those in attendance, however, voted unanimously to approve the minutes, and it was decided that a motion to approve the minutes will be renewed at the next

meeting in which a quorum is present. It was also noted that the next meeting's agenda should include a discussion and a vote on amending the Conference's Constitution to modify the definition of "quorum" to include those Conference members that attend a meeting via videoconference or teleconference.

The next item on the agenda concerned the appointment of four new members to the Conference from the Delaware Bar. Geoffrey Gamble, Esq. President of the Delaware State Bar Association, submitted the following nominees for a three year term: (1) Allen Terrell, Esq., (2) Francis Pileggi, Esq., (3) Kimberly Guttuso, Esq. and (4) Charles Durante, Esq. Mr. Gamble also stated that he is requesting Michael Parkowski, Esq. and Clair DeMatteis, Esq. remain as Conference members for one year. Mr. Gamble will send letters to the above named individuals regarding such appointment/continuation of membership.

It was decided that the July 9, 2007 Conference meeting is cancelled, and the next meeting will take place as scheduled on September 10, 2007, at which time any new appointees to the Conference will begin their three year terms and the Conference Chairmanship will pass on to a Conference member from the Electronic Media.

Next on the agenda was a report by Justice Jack Jacobs addressing the Supreme Court's position on expanded media coverage of trial court proceedings beyond non-jury civil matters. Justice Jacobs explained that the proposed expansion, as contemplated by the Conference's February 8, 2006 resolution¹ and embodied in Rita Farrell's letter to

¹ As reflected in its February 8, 2006 minutes, the Conference unanimously passed a resolution to recommend to the Supreme Court that "the Bar-Bench-Media Conference of Delaware recommends that the Delaware Supreme Court authorize an experiment, during the next year, to permit expanded electronic media coverage of criminal motion practice in the Superior Court and of civil jury trials in the Superior Court where the parties consent subject to procedures and guidelines drafted by the Conference and approved by the Supreme Court to protect the interested parties including juries.

Chief Justice Myron T. Steele on behalf of the Conference in May 2006, is still under advisement by the Chief Justice. Judge Peggy Ableman offered to utilize her courtroom as a “test case” for electronic media expansion and offered to contact Chief Justice Steele about her willingness to expand electronic media coverage in her courtroom. Judge Ableman further explained that the Superior Court judges are split in opinion on the issue of expanded media coverage. Rita Farrell suggested that Attorney General Beau Biden be contacted to gauge his stand on the issue. The former Attorney General opposed the presence of cameras for criminal jury trials, and her position was supported by a number of defense attorneys at the time.

Next, Rita Farrell noted that there are no Conference members from the Court of Chancery, and suggested that a Chancery member be appointed. Phil Milford explained that problems best addressed by a Chancery judge include the fling of complaints with the parties’ names redacted; the wholesale sealing of documents; and pre-trial briefs that remain unavailable until after a trial begins. Justice Jacobs recommended that Chief Judge Kuhn draft a letter to Chief Justice Steele requesting such Chancery Court appointment to the Conference.

Andrea Shaffer reported that the Family Court, in New Castle County, is now providing members of the media access to its criminal calendar. She explained that this calendar can be viewed at the Family Court’s reception desk on the first floor of the New Castle County Courthouse near the elevators. Members of the media need only identify themselves as such, and the calendar, marked “media,” can be viewed.

Next, the Conference discussed formal access policies covering the release of court administrative records policies, pursuant to Administrative Directive 162. It was explained that there is no timeline for courts to complete such policies. Conference members from the media expressed concern that Administrative Directive 162 does not pertain to the United States

Bankruptcy Court for the District of Delaware and that the media does not have the financial resources or time to seek the release of administrative records on a case by case basis, considering that the Court does not have a formal access policy in place. It was suggested that these concerns be brought to the attention of Chief Judge Mary Walrath, and Judge Ableman offered to draft a letter to Judge Walrath advising her of the issues and requesting the attendance of representatives from the Bankruptcy Court at the next Conference meeting.

Chris Carl then reported on behalf of the Electronic News Media regarding Conference membership from that media group. First, he reported that Mark Eichmann, the Conference Vice Chair, and Johnnie Braxton, submitted their resignations, therefore creating two new membership vacancies. Per the request of Chief Judge Kuhn at the last meeting, Chris Carl assigned terms for the Conference Electronic News Media membership as follows:

Micheline Boudreau	2004-2007
Peg Buckley	2004-2007
Chris Carl	2005-2008
John Deann	2005-2008
Vacancy	2006-2009
Vacancy	2006-2009

Chris Carl offered to contact other members of the Electronic News Media to fill those vacancies, and suggestions were made that he contact individuals from Channel 6, Channel 47, and Comcast News as soon as possible to fill the Vice Chair vacancy. Members whose terms are completed but who are willing to remain in the Conference, will be reappointed for another term.

Lastly, access terminals in both the Superior Court and Court of Chancery were discussed. Judge Ableman reported that the computer is already in the media terminal in Superior Court, and Judge Ableman will find out if the media can bring a printer into the media terminal. It was brought to the attention of the Conference that printing in the media terminal in

the Court of Chancery is not permitted. Judge Ableman offered to contact Vice Chancellor Strine for more information on this issue. There was discussion about the prohibitive cost of having court documents printed, and about the definition of “reasonable” as it pertains to court fees.

The meeting was adjourned at approximately 1:45 p.m.